

E-Filed on: June 26, 2007

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Counsel for Compass Financial Partners LLC

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

**CERTIFICATE OF SERVICE NOTICE  
 OF ENTRY OF ORDER  
 RE: EMERGENCY MOTION OF  
 COMPASS FINANCIAL PARTNERS LLC  
 FOR ORDER PURSUANT TO 11 U.S.C. §§  
 105 AND 1141 ENFORCING  
 CONFIRMATION ORDER AND  
 FOR CIVIL CONTEMPT SANCTIONS**

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Date: May 31, 2007  
 Time: 2:30 p.m.

///

BullivantHouserBailey PC

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 Las Vegas, NV 89169  
 Telephone: (702) 650-6565  
 Facsimile: (702) 650-2995

1. On June 26, 2007, I served the following documents:

(a) **NOTICE OF ENTRY OF ORDER RE: EMERGENCY  
MOTION OF COMPASS FINANCIAL PARTNERS LLC  
FOR ORDER PURSUANT TO 11 U.S.C. §§ 105 AND 1141  
ENFORCING CONFIRMATION ORDER AND FOR CIVIL  
CONTEMPT SANCTIONS;**

2. I served the above-named documents by the following means to the persons listed below:

- ☒ a. **ECF System.** See attached Notice of Electronic Filing.
- ☐ b. **United States mail, postage full prepaid to the following:**
- ☐ c. **Personal service.**

I personally delivered the documents to the persons at these addresses:

- ☐ For a party represented by an attorney, delivery was made by handing the documents at the attorney's office with a clerk or other person in charge, or if no one is in charge, by leaving the documents in a conspicuous place in the office.
- ☐ For a party, delivery was made by handing the documents to the party or by leaving the documents at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.
- ☐ d. **By direct email.**

I caused the documents to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- ☐ e. **By fax transmission.**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger.**

I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26th day of June, 2007.

/s/ Mary Opatrny  
Name: Mary Opatrny  
an employee of Bullivant Houser Bailey PC

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E-Filed on: June 26, 2007

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**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

**Bullivant|Houser|Bailey PC**

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 Las Vegas, NV 89169  
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In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
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 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

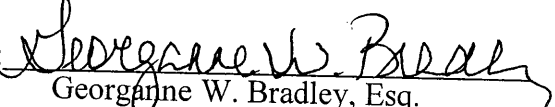
**NOTICE OF ENTRY OF ORDER  
 RE: EMERGENCY MOTION OF  
 COMPASS FINANCIAL PARTNERS LLC  
 FOR ORDER PURSUANT TO 11 U.S.C. §§  
 105 AND 1141 ENFORCING  
 CONFIRMATION ORDER AND  
 FOR CIVIL CONTEMPT SANCTIONS**

Date: May 31, 2007  
 Time: 2:30 p.m.

1 PLEASE TAKE NOTICE that an Order Re: Emergency Motion of Compass Financial  
2 Partners LLC for Order Pursuant to 11 U.S.C. §§ 105 and 1141 Enforcing Confirmation Order  
3 and for Civil Contempt Sanctions (the "Order") was entered on the Court's docket on June 26,  
4 2007. A copy of the Order is attached hereto.

5 Dated this 26<sup>th</sup> day of June 2007.

6 CADWALADER, WICKERSHAM & TAFT  
7 -and-  
8 BULLIVANT HOUSER BAILEY, PC

9 By:   
10 Georganne W. Bradley, Esq.  
11 3980 Howard Hughes Pkwy., Ste. 550  
12 Las Vegas, Nevada 89169  
13 *Attorneys for Compass Financial Partners, LLC*  
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Case: 06-10725-lbr

Doc #: 4059

Filed: 06/26/2007

Page: 1 of 5



Entered on Docket  
June 26, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
Debtor.

In re:  
USA SECURITIES, L.L.C.,  
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, L.L.C.
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
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Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11  
Jointly Administered Under  
Case No. BK-S-06-10725 LBR

ORDER RE: EMERGENCY MOTION OF  
COMPASS FINANCIAL PARTNERS LLC  
FOR ORDER PURSUANT TO 11 U.S.C. §§  
105 AND 1141 ENFORCING  
CONFIRMATION ORDER AND  
FOR CIVIL CONTEMPT SANCTIONS

Date: May 31, 2007  
Time: 2:30 p.m.

Bullivant/Houser/Bailey PC

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Las Vegas, NV 89169

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1 The Court conducted a hearing, pursuant to its Order Shortening Time, on May 31, 2007  
2 on the Motion of Compass Financial Partners LLC for Order Pursuant to 11 U.S.C. §§ 105 and  
3 1141 Enforcing Confirmation Order and for Civil Contempt Sanctions (the "Motion"), which  
4 was filed by Compass Financial Partners LLC ("Compass") on May 25, 2007. Appearances of  
5 counsel were noted on the record at the hearing.

6 The Court having determined that the parties should submit additional briefs on the  
7 issues raised in the Motion and the Opposition thereto filed by the Lender Protection Group on  
8 May 30, 2007, and having determined that the status quo as it existed on May 15, 2007 should  
9 be maintained pending further order of this Court, with a hearing on such issues scheduled to be  
10 conducted on June 20, 2007, and for good cause appearing,

11 IT IS HEREBY ORDERED that, pending further order of this Court, (i) the status quo as  
12 of May 15, 2007 is hereby preserved such that Compass shall be and remain the loan servicer  
13 with respect to all loans for which it acquired servicing rights pursuant to that certain Asset  
14 Purchase Agreement dated December 8, 2006, approved by Order of this Court entered January  
15 8, 2007 (collectively, the "Loans"); and

16 IT IS FURTHER ORDERED that, pending further order of this Court, all amounts due  
17 and owing under or in connection with the Loans (the "Payments") shall continue to be paid  
18 directly to Compass; and

19 IT IS FURTHER ORDERED that, pending further order of this Court, Compass shall be  
20 entitled to deduct and retain from Payments received the amount of its accrued and unpaid  
21 servicing fees then due to Compass, provided, however, that any amounts relating to default  
22 interest, late charges, or other fees shall be held in the Direct Lender remittance account  
23 established and maintained by Compass, and provided, further, that notwithstanding the above,  
24 in the event Compass receives Payments from a borrower in respect of a Loan (i) in which  
25 Compass holds 100% of the loan participation interests, or (ii) which satisfy in full all  
26 obligations due and owing under the governing loan documents (including default interest, late  
27 charges, and other fees), then Compass shall be permitted to deduct and retain from such  
28 Payments received any amounts relating to default interest, late charges, and other fees; and

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1 IT IS FURTHER ORDERED that in the event the Lenders Protection Group holds 100%  
2 of the loan participation interests in a Loan, they shall have the right to direct Compass not to  
3 take any further action to pursue recovery from borrowers of outstanding amounts due with  
4 respect to such Loans; and

5 IT IS FURTHER ORDERED that any attempted termination or replacement of Compass  
6 as loan servicer with respect to a Loan shall not be effective pending further order of this Court.

7 **Submitted by:**

8 CADWALADER WICKERSHAM & TAFT  
9 -and-  
10 MILBANK, TWEED, HADLEY & McCLOY, LLP  
11 -and-  
12 BULLIVANT HOUSER BAILEY PC

13 By: /s/ Georganne W. Bradley  
14 Georganne W. Bradley, Esq.

15 *Attorneys for Compass Financial Partners LLC*

16 **Approved/Disapproved by:**

17 LAW OFFICES OF ALAN R. SMITH

18 By:   
19 Alan R. Smith,

20 *Attorneys for Lenders Protection Group*

21 **Approved/Disapproved by:**

22 OFFICE OF THE U.S. TRUSTEE

23 By: \_\_\_\_\_  
24 August B. Landis, Esq.

Bullivant/Houser/Bailey PC

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1 IT IS FURTHER ORDERED that in the event the Lenders Protection Group holds 100%  
2 of the loan participation interests in a Loan, they shall have the right to direct Compass not to  
3 take any further action to pursue recovery from borrowers of outstanding amounts due with  
4 respect to such Loans; and

5 IT IS FURTHER ORDERED that any attempted termination or replacement of Compass  
6 as loan servicer with respect to a Loan shall not be effective pending further order of this Court.

7 Submitted by:

8 CADWALADER WICKERSHAM & TAFT  
-and-  
9 MILBANK, TWEED, HADLEY & McCLOY, LLP  
-and-  
10 BULLIVANT HOUSER BAILEY PC

11  
12 By: /s/ Georganne W. Bradley  
Georganne W. Bradley, Esq.

13 *Attorneys for Compass Financial Partners LLC*  
14

15 Approved/Disapproved by:

16 LAW OFFICES OF ALAN R. SMITH  
17

18 By: Alan R. Smith.  
19

20 *Attorneys for Lenders Protection Group*

21 Approved/Disapproved by:

22 OFFICE OF THE U.S. TRUSTEE

23 By: August B. Landis, Esq.  
24  
25  
26  
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28

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1  
2 In accordance with Local Rule 9021, the undersigned certifies:

3       \_\_\_\_\_ The court waived the requirements of LR 9021.

4       \_\_\_\_\_ No parties appeared or filed written objections, and there is no trustee  
5 appointed in the case.

6       ✓\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who  
7 appeared at the hearing, any unrepresented parties who appeared at the hearing, and any  
8 trustee appointed in this case, and each has approved or disapproved the order, or failed  
9 to respond, as indicated below:

10                   Alan R. Smith, Esq. : Approved

11                   Office of U.S. Trustee: Approved

12                   BULLIVANT HOUSER BAILEY P.C.

13                   By: Georganne W. Bradley  
14                               Georganne W. Bradley, Esq.

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**File a Notice:**

06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY

**U.S. Bankruptcy Court**

**District of Nevada**

Notice of Electronic Filing

The following transaction was received from BRADLEY, GEORGANNE W. entered on 6/26/2007 at 1:48 PM PDT and filed on 6/26/2007

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 4061

**Docket Text:**

Notice of Entry of Order *Re: Emergency Motion Of Compass Financial Partners LLC For Order Pursuant To 11 U.S.C. Section 105 And 1141 Enforcing Confirmation Order And For Civil Contempt Sanctions* Filed by GEORGANNE W. BRADLEY on behalf of COMPASS PARTNERS LLC (Related document(s)[4059] Order, ) (BRADLEY, GEORGANNE)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\Documents and Settings\MO7\My Documents\Compass Filings\Order#4.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=6/26/2007] [FileNumber=8268923-0]  
[6e506a5769c501c69caef6a15e2878b3690f9c99a6c258e93419f2264b7d869103f9  
82c4742adb117d8dd2f10c2e4da5c6c21a5012e909f8c2153a4d411ee96e]]

**06-10725-lbr Notice will be electronically mailed to:**

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